

Message Text

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PAGE 01 GENEVA 05797 201853Z

43

ACTION ACDA-10

INFO OCT-01 EUR-12 EA-07 IO-13 ISO-00 AF-08 ARA-06 CIAE-00

DODE-00 PM-04 H-02 INR-07 L-03 NASA-01 NEA-10 NSAE-00

NSC-05 OIC-02 SP-02 PA-01 PRS-01 OES-06 SS-15 USIA-06

SAJ-01 ACDE-00 /123 W

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FM USMISSION GENEVA

TO SECSTATE WASHDC PRIORITY 1322

INFO AMEMBASSY BONN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY OTTAWA

AMEMBASSY THE HAGUE

AMEMBASSY ROME

AMEMBASSY TOKYO

USMISSION USUN NEW YORK

USMISSION NATO

USDEL SALT TWO GENEVA

ERDA HQ WASHDC

ERDA GERMANTOWN

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E.O. 11652: N/A

TAGS: PARM, CCD

SUBJECT: CCD - ENMOD WORKING GROUP MEETING, JULY 19, 1976

1. SUMMARY: ENMOD WORKING GROUP CONTINUED SECOND
READING, DISCUSSING ARTICLES II, III, AND IV. ON
ARTICLE II THERE WAS CONTINUED CONTROVERSY OVER THE
LIST OF EXAMPLES AND THE SUGGESTION TO PUT THEM IN AN
ANNEX; A NUMBER OF DELS EMPHATICALLY RESTATED THEIR
CALL FOR ADDING A CLAUSE ON INTERNATIONAL COOPERATION
TO ARTICLE III; THERE WAS CONSIDERABLE PRESSURE TO
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PAGE 02 GENEVA 05797 201853Z

CLARIFY THE EXISTING WORDING OF ARTICLE IV, SO THAT IT

WOULD BE MORE FLEXIBLE AND WOULD NOT IMPLY A REQUIREMENT FOR INTERNAL LEGISLATION ON THE PART OF STATES WHOSE POLITICAL SYSTEMS MAKE THIS UNNECESSARY OR INAPPROPRIATE. END SUMMARY.

2. ARTICLE II. MARTIN (US REP) REITERATED US SATISFACTION WITH ARTICLE II AS IT STANDS. USSR, BULGARIA, AND BRAZIL THOUGHT THE EXISTING LIST OF EXAMPLES SUFFICIENT, BRAZIL SAYING THAT IF NECESSARY NEW EXAMPLES COULD BE ADDED AT REVIEW CONFERENCES. ARGENTINA REAFFIRMED CALL FOR LESS SOPHISTICATED EXAMPLES, AND PAKISTAN ARGUED THAT IT WOULD BE BETTER TO INCLUDE EXAMPLES OF TECHNIQUES WHICH ARE ORDINARILY PEACEFUL BUT WHICH CAN BE CONVERTED TO HOSTILE USES. ITALY SUPPORTED ENDING ARTICLE II AFTER THE WORDS "OUTER SPACE" AND PLACING THE EXAMPLES IN AN ANNEX AS A MEANS OF ACCENTUATING THE ILLUSTRATIVE CHARACTER OF THE EXAMPLES. MISHRA (INDIAN REP) SUGGESTED THAT WORDING BE FOUND TO UNDERScore THAT LIST OF EXAMPLES IS NOT EXHAUSTIVE.

3. ARTICLE III. MARTIN ACCEPTED EARLIER PROPOSAL MADE BY SWEDEN, FRG, AND ITALY TO CHANGE WORDS "DO NOT APPLY TO" TO "SHALL NOT HINDER"; THIS CHANGE WAS LATER SUPPORTED BY LIKHACHEV (SOVIET REP). MARTIN REITERATED ARGUMENTS AGAINST ADDITION OF PROVISION SPECIFICALLY PROMOTING INTERNATIONAL COOPERATION REGARDING ENMOD TECHNIQUES. MEXICO, RUMANIA, AND ARGENTINA STRONGLY RESTATED THEIR CALL FOR A PROVISION SIMILAR TO THAT OF ARTICLE X(1) OF THE BIOLOGICAL WEAPONS CONVENTION, EMPHASIZING THAT FOR DEVELOPING COUNTRIES THIS IS AN IMPORTANT MATTER OF PRINCIPLE; THAT IN THE CASE OF THE BWC THE NONALIGNED HAD ACHIEVED IT AFTER EXTENDED DEBATE DURING WHICH THE US AND THE USSR HAD FINALLY AGREED; AND THAT THEY HAVE NO INTENTION OF GIVING IT UP IN RELATION TO THE ENMOD DRAFT. LIKHACHEV STATED THAT QUESTIONS OF PEACEFUL USES ARE ENTIRELY SEPARATE FROM "MILITARY OR ANY OTHER HOSTILE USE" REFERRED TO IN ENMOD DRAFT, AND SHOULD BE DEALT WITH BY OTHER MEANS. ITALY RESTATED CONCERN ABOUT INADVERTENT HARMFUL CONSEQUENCES TO ONE STATE RESULTING FROM PEACEFUL ENMOD USES BY ANOTHER. YUGOSLAVIA AGREED, SAYING THAT THIS QUESTION SHOULD BE TAKEN LIMITED OFFICIAL USE

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PAGE 03 GENEVA 05797 201853Z

INTO ACCOUNT IN DRAFTING ARTICLE III, AND ALSO CALLED FOR ANNOUNCEMENT OF EXPERIMENTS, PUBLICATION OF RESULTS, AND ACCESS TO EXPERIMENTS BY OBSERVERS OF OTHER STATES PARTY. PAKISTAN STATED THAT RESTRICTIONS ON PEACEFUL USES ARE NECESSARY TO RULE OUT THOSE USES WHICH COULD HARM A NEIGHBORING STATE.

4. ARTICLE IV. MARTIN EXPLAINED EXISTING WORDING OF ARTICLE

IV, SAYING THAT OBLIGATION TO TAKE IMPLEMENTING MEASURES WOULD APPLY IF AND ONLY IF A COUNTRY'S LAWS SO REQUIRE; OSIGO (JAPANESE REP) JOINED IN THIS INTERPRETATION, DECLARING THAT THE PHRASE "IN ACCORDANCE WITH ITS CONSTITUTIONAL PROCESSES" MEANS THAT THE NEED FOR IMPLEMENTING MEASURES WOULD BE CONDITIONED ON A STATE'S OWN LEGAL SYSTEM. LIKHATCHEV (USSR REP) ARGUED FOR RETENTION OF EXISTING WORDING, GIVING INTERPRETATION ESSENTIALLY THE SAME AS THAT OF US AND JAPAN. ITALY RESTATED ITS SUGGESTION THAT STATES SHOULD UNDERTAKE TO PROHIBIT AND PREVENT ALL ACTIVITIES IN VIOLATION OF THE CONVENTION ANYWHERE UNDER ITS JURISDICTION AND CONTROL. INDIA, NIGERIA, AND THE UK SAW NO NEED FOR ARTICLE IV AND CALLED FOR ITS DELETION. INDIA REPEATED THAT IF DELETION IS NOT POSSIBLE ARTICLE SHOULD READ THAT STATES "MAY TAKE" ANY NECESSARY MEASURES. CANADA, MONGOLIA, AND USSR OPPOSED THIS IDEA. DUGERSUREN (MONGOLIAN REP) SUGGESTED INSERTION OF WORDS "WHERE IT IS NECESSARY" AFTER THE WORD "UNDERTAKES." PAKISTAN SUGGESTED THAT DELETING PHRASE "IN ACCORDANCE WITH ITS CONSTITUTIONAL PROCESSES" WOULD ACHIEVE THE SAME EFFECT, SAYING THAT THE LATER PHRASE "NECESSARY MEASURES" IS SUFFICIENTLY FLEXIBLE IN ITSELF, SUBJECT TO INTERPRETATION IN EITHER A LEGAL OR ADMINISTRATIVE MANNER.

5. NEXT MEETING OF ENMOD WORKING GROUP SCHEDULED FOR WEDNESDAY, JULY 21. DALE

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